

Judge Leighton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GUSTAVO GALLO-MARTINEZ,

a/k/a Jose Gomez, Jose Gomez-Gallo,

ELENA CASTANEDA-PULIDO,

a/k/a "Nena"

CARLOS McPHIE, a/k/a "Los"

MIGUEL MIER-NAVA,

a/k/a "Chiquillin,"

MANUEL BRAVO-GERALDO,

a/k/a "Pelon," Manuel Garcia-Bustamante,

JUAN CARLOS BRAVO-GERALDO,

a/k/a Omar Diaz,

LAURO AGUILLAR-CANCHE,

a/k/a "Flaco,"

CARLOS AGUILLAR-CANCHE,

a/k/a Jose Blanco-Canche, "Flaco's Brother,

EDUARDO GOMEZ-RAMIREZ,

THOMAS MENDOZA-AGUILAR,

a/k/a "Rica,"

ROSARA VILLAVICENCIO-CHAVEZ,

a/k/a "Rica's Wife,"

Defendants.

CASE NO. CR06-5351RBL

ORDER CONTINUING
TRIAL DATE

THIS MATTER came before the Court upon the motion of defendant Elena

Castaneda, through her attorney, Steven J. Krupa, defendant Carlos McPhie, through his

attorney, Paula T. Olson, defendant Juan Carlos Bravo, through his attorney, William T.

Hines, defendant Miguel Mier Nava, through his attorney, Judy Mandel, defendant

1 Thomas Mendoza, through his attorney, Robert M. Leen, and defendant Rosalva
2 Villavicencio, through her attorney, Raul Mendez, and the United States of America, by
3 and through John McKay, United States Attorney for the Western District of Washington,
4 and Douglas B. Whalley, Matthew H. Thomas, and Vincent T. Lombardi II, Assistant
5 United States Attorneys for said District, requesting a continuance of the trial date.

6 Having considered all the files and records herein,

7 THIS COURT FINDS, pursuant to Title 18, United States Code, Section
8 3161(h)(8)(B)(I) that failure to grant such a continuance in the proceeding would likely
9 make a continuation of such proceeding impossible, or result in a miscarriage of justice.

10 THIS COURT FINDS, pursuant to Title 18, United States Code, Section
11 3161(h)(8)(B)(iv), that failure to grant the continuance in this case, which, taken as a
12 whole, is not so unusual or so complex as to fall within clause (ii), would deny counsel
13 for the defendants the reasonable time necessary for effective preparation, due to
14 counsels' need for more time to review the evidence and consider possible defenses and
15 motions, taking into account the exercise of due diligence;

16 THIS COURT FINDS, pursuant to Title 18, United States Code, Section
17 3161(h)(7), that this is a reasonable period of delay in that the defendants are joined for
18 trial and no previous motion for continuance has been granted, and some of the
19 defendants have indicated that they need more time to prepare for trial.


20 THIS COURT FINDS, therefore, that pursuant to Title 18, United States Code,
21 Section 3161(h)(8)(A), the ends of justice will best be served by a continuance, and that
22 they outweigh the best interests of the public and the defendants in a speedy trial.

23 THIS COURT FURTHER FINDS that all of the additional time requested between
24 the original trial date of July 24, 2006 and the new trial date of November 27, 2006 is
25 necessary to provide counsel for the defendants the reasonable time necessary to prepare
26 for trial.

27 NOW, THEREFORE, IT IS HEREBY ORDERED that the **TRIAL DATE** will be
28 continued until **November 27, 2006 at 9:00 a.m.**, with a **PRETRIAL MOTION**

HEARING, if needed, on **November 7, 2006 at 9:00 a.m.**, and that the date within which the **PRETRIAL MOTIONS** are due is continued to **October 2, 2006**. The time between this date and the new trial date is excluded in computing the time within which a trial must be held pursuant to Title 18, United States Code, Section 3161, et. seq. **The Status/Pretrial Conference scheduled for July 19, 2006 is hereby STRICKEN.**

IT IS SO ORDERED this 13th day of July, 2006.


 RONALD B. LEIGHTON
 UNITED STATES DISTRICT JUDGE
 Digitally Signed upon oral authorization (JAB)

Presented by:

s/Steven J. Krupa
 STEVEN J. KRUPA
 Attorney for Elena Castaneda

s/Paula T. Olson
 PAULA T. OLSON
 Attorney for Carlos McPhie

s/William T. Hines
 WILLIAM T. HINES
 Attorney for Juan Carlos Bravo

s/Judy Mandel
 JUDY MANDEL
 Attorney for Miguel Mier Nava

s/Robert M. Leen
 ROBERT M. LEEN
 Attorney for Thomas Mendoza

s/Raul Mendez
 RAUL MENDEZ
 Attorney for Rosalva Villavicencio

Presented by:

JOHN McKAY
 United States Attorney

/s Douglas B. Whalley
 DOUGLAS B. WHALLEY
 Assistant United States Attorney

/s Matthew H. Thomas
 MATTHEW H. THOMAS
 Assistant United States Attorney

/s Vincent T. Lombardi II
 VINCENT T. LOMBARDI II
 Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on July 12, 2006, I electronically filed the foregoing Agreed Motion to Continue Trial Date and Pretrial Motion Date with the Clerk of Court using the CM/ECF system which will send notification of such filing to the attorneys of record for the defendants.

s/Matthew H. Thomas
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